

INVESTIGATION PROCEDURES (ISDH)

INTRODUCTION

This is a *general summary* of the **procedures** that the Indiana State Department of Health, through the Oral Health Program (OHP), follows when it investigates complaints from *patients, former patients, or former employees* alleging violations of **universal precautions** in dental facilities.

Complaints made to the OHP can be verbal or written. However, the OHP requires any person filing such a complaint to complete, sign and date a *written complaint* prior to the OHP conducting an investigation.

The State Oral Health Director will review each completed written complaint and the OHP will conduct an investigation, where indicated.

However, if a verbal complaint indicates an immediate threat to the public health (emergency), the Oral Health Director may initiate an investigation based on a verbal complaint, but a written complaint must be submitted as soon as possible.

PROTOCOL

An ISDH Oral Health Program (OHP) investigation of a written complaint, by a *patient, former patient, or former employee*, alleging violations of universal precautions generally includes:

1. **Initial Communication:** The OHP will send an Initial Communication to the named dentist (or his or her supervising dentist or employer) informing him/her that a written complaint has been filed;
2. **Initial On-Site Visit:** The OHP and/or agent(s) of the ISDH will conduct an unannounced Initial On-Site Visit after the Initial Communication letter has been received by the named dentist (or his or her supervising dentist or employer);
3. **Initial Report:** The OHP will generate a report based on the findings of the Initial On-Site Visit;
4. **Communication of Findings of the Initial Report:** A Communication will be sent to the dentist (or his or her supervising dentist or employer) with the findings from the Initial On-Site Visit;
5. **Follow-Up On-Site Visit:** After communicating the findings of the Initial Report, the OHP and/or agent(s) of the ISDH will conduct an unannounced Follow-Up On-Site Visit, where indicated;
6. **Follow-Up Report:** The OHP will generate a report based on the findings of the Follow-Up On-Site Visit, where indicated;
7. **Communication of Findings of the Follow-Up Report:** A Communication will be sent to the dentist with the findings from the Follow-Up On-Site Visit, where indicated; and
8. **Outcome Communication:** At any time during the above steps, or subsequent to the above steps, the OHP may determine the outcome, or outcomes, of the investigation, based on the evidence, and communicate this outcome to the dentist in writing.

OUTCOME

The role of the ISDH OHP, as it pertains to complaints alleging violations of universal precautions in dental facilities, is to ***investigate*** written and signed complaints alleging violations of universal precautions in dental facilities in Indiana.

Once an investigation is complete, the OHP will issue a communication to the dentist containing the outcome(s) of the investigation.

Various outcomes of an investigation by the OHP are possible, including:

1. **Dismissal of Complaint:** The complaint of an alleged violation has been found not to meet guidelines for an investigation or to be without merit, and is dismissed. No further action is required by the dental facility.

2. **Satisfactory Resolution:** The complaint of an alleged violation has been found to have merit and has been satisfactorily resolved by the time of the follow-up on-site visit. No further action is required by the dental facility.
3. **Unsatisfactory Resolution:** The complaint of an alleged violation has been found to have merit and has *not* been satisfactorily resolved by the time of the follow-up on-site visit.

Note: The OHP retains the right to issue an *unsatisfactory resolution* prior to a follow-up on-site visit.

Various actions subsequent to an *unsatisfactory resolution* are possible, including:

If the OHP has communicated to the dental facility an unsatisfactory resolution, then the Oral Health Program will refer the matter to the **Office of Legal Affairs** at the ISDH, which will take one or more of the following actions:

1. Communicate to the dental facility what further steps are needed to resolve the matter;
2. Refer documentation of unresolved violations to the **Office of the Indiana Attorney General** for further review and action, which generally involves review by the **Indiana State Board of Dentistry** and any further actions it deems necessary; and
3. Commence action for issuance of an order of compliance and civil penalty not to exceed one thousand dollars (\$1,000) per day per violation (IC 16-41-11-7).

COMMENTS

All dental professionals, operators, and employees of dental facilities are responsible for understanding and complying with all applicable laws and rules and regulations as they pertain to the practice of dentistry in Indiana. These laws and rules and regulations are readily available for all to read. If a dental professional or dental facility needs help in understanding these laws and rules and regulations, then they may consult with their own legal counsel, as needed. ***The Oral Health Program cannot provide legal advice.***

The Oral Health Program has a limited role pertaining to universal precautions and infectious waste. It ***investigates*** complaints from *patients, former patients, or former employees* alleging violations of universal precautions in dental facilities, and during these investigations reviews the policies and procedures and documentation pertaining to infectious waste of these same dental facilities.